REMARKS

Claims 1-21 are pending in this application. By this Amendment, claims 1, 14 and 21 are amended to further clarify the features therein to even further distinguish the claimed subject matter from the applied art. Claims 7 and 15-20 are amended to correct minor informalities. No new matter is added by this amendment. Support for the amendments to claims 1, 14, and 21 is found at, for example, paragraphs [0090] to [0094] of the specification, as well as at, for example, Figs. 12, 14 and 15.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Claims Define Patentable Subject Matter

Claims 1-21 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,248,318 (O'Neill). This rejection is respectfully traversed.

Independent claim 1 recites a suspension design for a railway truck in which a bolster is supported by a spring group, the spring group comprises a plurality of outer springs, and a plurality of inner springs that are each sized to fit inside any of the plurality of outer springs, wherein the plurality of outer springs includes no more than 9 springs and the plurality of inner springs includes no more than 6 springs, the spring group having a reserve capacity less than 1.50.

Independent claim 14 recites a method for tuning a spring suspension of a railway truck including providing a suspension system for the railway truck comprising a spring group, wherein the spring group comprises a plurality of outer springs, and a plurality of inner springs that are each sized to fit inside any of the plurality of outer springs, wherein the plurality of outer springs includes no more than 9 springs and the plurality of inner springs includes no more than 6 springs, and wherein a configuration of the spring group is such that a reserve capacity of the spring group is less than 1.50 based on the determined load of the railway truck. Claim 14 further recites removing at least one spring of the plurality of outer springs and the plurality of inner springs to further reduce the reserve capacity of the spring group.

Independent claim 21 recites a suspension design for a railway truck having a first suspension system and a second suspension system that each comprise a spring group, the spring group comprises a plurality of outer springs, and a plurality of inner springs that are each sized to fit inside any of the plurality of outer springs, wherein the plurality of outer springs includes no more than 9 springs and the plurality of inner springs includes no more than 6 springs, and wherein the spring group is a tuned spring group having a reserve capacity less than 1.47, wherein when the railway truck has a weight capacity of 286,000 pounds, a maximum vertical acceleration of the railway truck at about 55 miles per hour is near 1.1g.

Each of independent claims 1, 14 and 21 recites a reserve capacity of less than 1.50 or 1.47.

The Office Action acknowledges that O'Neill does not disclose a reserve capacity less than 1.50. The Office Action asserts that "it would have been obvious to one of ordinary skill in the art to understand that the reserve capacity would be under 1.5 depending on a load of the rail car on the springs and the speed and movement of the rail car." The Office Action provides no factual support for its conclusion of obviousness. Thus, the Office Action fails to

make a *prima facie* showing of obviousness. Only Applicants' specification teaches the advantages for providing a reserve capacity less than 1.50. Thus, the Office Action relies upon impermissible hindsight in reaching its conclusion of obviousness.

O'Neill is directed to an indicator means that permits a quick visual inspection of the condition of the spring group for a railway car. When a reference edge 32 is below a reference 36 of the indicator 34, this is an indication that either there is a broken or missing spring element, or the springs do not meet the load or permanent set requirement. See col. 2, lines 47-57 of O'Neill. O'Neill further discloses a load spring indicator for a rail car for determining whether the spring group load coils have sufficient reserve capacity. See col. 1, lines 4-47 of O'Neill. Thus, O'Neill is directed to an indicator that may display the reserve capacity. However, as noted above, O'Neill does not disclose or suggest making the reserve capacity less than 1.50. In fact, O'Neill provides no values for reserve capacity or any specific spring group configuration for maintaining a specific reserve capacity. Instead, O'Neil provides an indicator which may indicate a reserve capacity, not a structure or method for maintaining a specific reserve capacity.

O'Neill does not recognize the benefits associated with a reserve capacity less than 1.50. As described in paragraph [0017] of the present application, such as, for example, an unexpected result of a decrease in maximum vertical acceleration is achieved. The decrease in vertical acceleration allows for improved ride quality, increased resistance to suspension bottoming and increased hunting threshold speed of the railcar. See paragraph [0087] of the specification.

The suspension design for a railway truck including a spring group having a reserve capacity less than 1.50 and less than 1.47, as recited in each of claims 1 and 21, respectively, and a method for tuning a spring suspension of a railway truck wherein the railway truck has a spring group having a reserve capacity less than 1.50, as recited in claim 14, allows for an

improved spring assembly that can assist the rail car in meeting or exceeding new AAR standards, such as M-976 of the AAR office manual.

The benefits of this spring group assembly, as recited in claims 1, 14 and 21, are not contemplated by O'Neill. Moreover, as discussed above, O'Neill does not teach or suggest any specific reserve capacity.

Furthermore, O'Neill also fails to disclose the specific configuration of springs as claimed. O'Neill only disclose three spring groups that may be arranged in double or triple rows transversely of the car. See col. 2, lines 4-11 of O'Neill. However, no specific spring arrangement is discussed in O'Neill. That is, O'Neill fails to disclose or teach a spring group configuration of no more than 9 outer springs, and no more than 6 inner springs, as presently claimed, or the benefits associated thereof.

Accordingly, O'Neill fails to render obvious the subject matter of claims 1, 14 and 21, as well as the claims dependent therefrom.

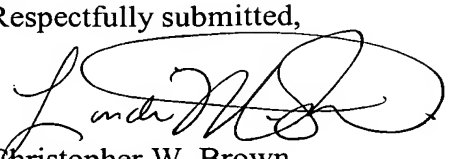
Withdrawal of the rejection is thus respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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